

REMARKS/ARGUMENTS

This Amendment is in response to the Office Action of December 15, 2006, in which the Examiner **(1)** rejected claims 3-6, 9-24 and 32, and 33 under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,973,442 B1 to Drummond ("**Drummond**") and further in view of U.S. Patent No. 6,508,398 B1 to Estes ("**Estes**"), **(2)**, rejected claim 7 under 35 U.S.C. 103(a) as being unpatentable over **Drummond** and **Estes** in view of "Citibank Unveils New Automatic Teller Machine Technology to Aid Individuals with Disabilities" by S. Weeks, Sept. 30, 1992 ("**Weeks**"), **(3)** rejected claims 9-11 and 13 under 35 U.S.C. 103(a) as being unpatentable over **Drummond** and **Estes** in view of "Neglected Shoppers Rejoice: Customer Service is Returning" by B. Aarsteinsen, Nov. 9, 1990 ("**Aarsteinsen**"), **(4)** rejected claim 12 under 35 U.S.C. 103(a) as being unpatentable over **Drummond**, **Estes**, and **Aarsteinsen**, and further in view of "Freddie Mac is Avoiding Bad Loans" by P. Reeves, Nov. 23, 1997 ("**Reeves**"), and **(5)** rejected claims 18-21 under 35 U.S.C. 103(a) as being unpatentable over **Drummond** and **Estes** in view of "Tanger Shoppers Score Big Outlet Savings During Super Bowl Scratch and Win Event" on PR Newswire, Dec. 1999 ("**PR Newswire**").

By the present Amendment, Applicants have amended independent claim 32 to more clearly distinguish over the cited references. For example, while believed clearly implicit that the "ATM" and "ATM monitoring apparatus" elements are separate, it is now directly recited in claim 32 that the ATMs and the ATM monitoring apparatus are "separate from each other."

As discussed in earlier responses, Applicants' invention, as exemplified in claim 32, is directed to a method for permitting marketing and promotional activities to be implemented at an ATM network *at each branch office* in a bank network, without changing the central accounting system of the bank (see, *e.g.*, paragraphs 05-08 of the Specification). Specifically, claim 32 recites a method for use in a bank processing network having a plurality of ATMs and an information processing system. The information processing system includes a central MCIF server and integrated ATM monitoring apparatus. The ATM monitoring apparatus and the ATMs *are located at a branch office*. The method includes storing customer service

information (customer attribute information and customer offer information) at the MCIF server, downloading the customer service information to the ATM monitoring apparatus in advance of customer transaction, transmitting customer specific information from an ATM to the ATM monitoring apparatus in response to a customer conducting a transaction, and providing selected customer offer information from the ATM monitoring apparatus to the ATM in response to the customer specific information.

Drummond, the principal reference relied upon by the Examiner, discloses an ATM network wherein ATMs have HTML features and JAVA programming for permitting the ATM to communicate with remote foreign servers (e.g., a server in the user's home bank system), so that screens familiar to the user may be displayed when the user is using an ATM not operated by his own bank (see Abstract; col. 5, lines 5-34). As best understood, the Examiner's position is that the home bank computer 14 and its HTTP server 90 in **Drummond** disclose Applicants' claimed ATM monitoring apparatus, and that the computer 14 provides advertising and promotional information to ATMs 12 (Fig. 3; col. 6, lines 25-41; col. 10, lines 25-43; and col. 11, lines 16-32). However, **Drummond** does not disclose or suggest various features of Applicants' claimed invention, which is acknowledged by the Examiner (Remarks, page 4). Among other things, in **Drummond**, there is no ATM monitoring apparatus at the bank branches, no transmission of customer specific information from the ATM to the ATM monitoring apparatus, no providing of selected customer offer information from ATM monitoring apparatus to the ATM (in response to customer specific information), and no branch offices where both the ATM monitoring apparatus and the ATMs are located.

The Examiner combined **Estes** with **Drummond** to make up for the missing elements in **Drummond**. **Estes** discloses an ATM enhancement system 36 which includes a portion local to the ATM (col. 2, lines 27-28) and a portion that is remote and not "on-site equipment" (col. 2, line 1 and col. 3, lines 5-19). While **Estes** does not provide details, it is clear that there is no *separate* "ATM monitoring apparatus" at a branch office, but rather enhancement functions that are part of the ATM itself. Furthermore, while the ATM enhancement system 36 in **Estes** provides advertisements or the like (col. 3, lines 1-4), it only does so when there is no "normal automatic teller operation" (col. 2, lines 48-51). Thus, the ATM monitoring apparatus

does not receive "customer specific information" and in response thereto, provide "selected customer offer information" to the ATM, as recited in claim 32.

Thus, even as combined, **Drummond** and **Estes** do not disclose or suggest several elements in claim 32, and such claim is therefore distinguishable.

In addition to not disclosing various elements of claim 32, **Estes** actually teaches away from the subject matter of Applicants claims. In particular, **Estes** teaches the distribution of advertising where there is no ATM activity, and there is no connection of the advertising to customer specific information. Applicants' invention, on the other hand, teaches the provision of customer offer information (e.g., advertising) in response to customer specific information (information specific to the customer conducting the transaction) that is generated as part of an ATM transaction activity. Accordingly, **Estes** when combined with **Drummond** not only does not teach or suggest Applicants' invention as recited in claim 32, but rather it teaches away.

Depended claims 3-7, 9-24 and 33 all recite limitations in addition those recited in claim 32, and are believed allowable for at least the same reasons as stated above.

The additional references (**Weeks**, **Aarsteinsen**, **Reeves**, and **PR Newswire**) cited by the Examiner in connection with dependent claims 7, 9-11, 12, 13, and 18-21 likewise do not teach or suggest the elements of claim 32 that are missing from **Drummond** and **Estes**.

Furthermore, nothing in those additional references suggest the combination of all the features in claim 32 with the various recited features in the dependent claims.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance and an action to that end is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 303-571-4000.

Respectfully submitted,

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